



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22595 of 2021

and

W.M.P. (MD) No.19113 of 2021

WEB COPY

1.Nambu Rani
2.Seetha Ragavan
3.Gowri

... Petitioners

vs.

1.The District Legal Service Authority,
Represented by its
Chairman/Principal District Judge,
Srivilliputhur, Virudhunagar District.

2.S.Subbu Lakshmi
3.G.Anusuya
4.P.Suganya
5.S.Kanchana
6.P.Chandra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned compromise award passed by the first respondent in O.S.No.159 of 2011 dated 04.04.2017 and to quash the same as illegal and consequently to direct the first respondent to pass fresh compromise award based on the compromise memo is to be filed by the petitioners and the respondents 2 to 6.

For Petitioners : Mr.V.P.Rajan

ORDER

There was a suit for partition in O.S.No.159 of 2011 and the litigants were the petitioners herein and the respondents 2 to 6, who all form part of one family. That suit was pending on the file of the District Court, Virudhunagar. After the parties had participated in an adversarial civil litigation for more than five years, they then consented for the matter to be referred to the Lok Adalat. It was accordingly referred to the Lok Adalat. The Lok Adalat passed an award on 04.04.2017 nearly about four years back. That award is being assailed in this present writ petition.

2.The learned counsel for the petitioners placed reliance on a Judgment of the Hon'ble Supreme Court of India in Civil Appeal No.11345 of 2017, wherein by an order dated 07.09.2017, the Hon'ble Supreme Court had stated that for questioning a Lok Adalat Award, recourse can be taken both under Articles 226 and also 227 of the



Constitution of India. That position had been affirmed by the Hon'ble Supreme Court in the case of State of **Punjab and another Vs. Jalour Singh and Others** reported in **2008 (2) SCC 660**.

3. But one aspect, which has to be examined is that the challenge to the Lok Adalat Award is not that fraud had been committed or on any such aspect.

4. The scope in this writ petition is quite narrow. Judicial Review will not lie if proper procedure had been followed. If a wrong decision had been taken, then the Writ Court cannot interfere with it. The Writ Court can only interfere, when there had been no opportunity granted or when there is a fraud on the basis of the record or when one of the parties had been sidelined and totally divested of all rights.

5. The proper procedure for the petitioner is to approach the Court under Article 227 of the Constitution of India and raise issues of facts. It is also noted that the Lok Adalat Award has been challenged nearly after four years and the reason why the parties had waited for four years is not given. It is also not known whether the parties had acted upon the Lok Adalat Award and proceeded further. These are all issues which this Court cannot examine.

6. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

The Chairman/Principal District Judge,
District Legal Service Authority,
Srivilliputhur, Virudhunagar District.

W.P. (MD) No.22595 of 2021
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